



United States Government

NATIONAL LABOR RELATIONS BOARD

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March 4, 2020

Daniel F. Fears
Payne & Fears, LLP
4 Park Plaza, Suite 1100
Irvine, CA 92614

Re: American Medical Response West
Cases 20-CA-229397, 20-CA-229699, 20-CA-230007

Dear Mr. Fears:

This letter acknowledges receipt of the Respondent's Motion to Strike the General Counsel's Answering Brief, filed with the Board on March 2, 2020 in the subject case. The Respondent contends that Counsel for the General Counsel filed her Answering Brief out of time, specifically on February 18, 2020 rather than the stated due date of February 17, 2020. Therefore, the Respondent requests that the Board strike Counsel for the General Counsel's Answering Brief.

On January 10, 2020, Counsel for the General Counsel requested an extension of time to file her Answering Brief to Respondent's Exceptions to the Administrative Law Judge's Decision in this matter. Counsel for the General Counsel requested a 30-day extension of time; the new due date thereby falling on Monday, February 17, 2020. This request was granted on January 13, 2020 by counsel in the Office of the Executive Secretary.

On Tuesday, February 11, 2020, Counsel for the General Counsel, Marta Novoa, notified me, by email, that the filing deadline fell on President's Day – a federal government holiday. Given the holiday, Ms. Novoa asked whether the filing would be due on Tuesday, February 18, per the Board's Rules and Regulations. I notified Ms. Novoa that the actual due date for the filing would be February 18, 2020, the next business day. Based on this, Ms. Novoa timely filed her Answering Brief on that date.

While it is unfortunate that Ms. Novoa did not notify her opposing counsel of the February 18 deadline, there is no prejudice to the Respondent. The Respondent filed its reply brief on March 2, 2020. Had the Respondent wished, it could have contacted this Office to inquire about the February 18 filing, and whether its deadline for the reply had been changed. It did not.

Accordingly, the Respondent's Motion to Strike is denied as moot.

Sincerely,

/s/ Farah Z. Qureshi
Deputy Executive Secretary